

THE HON'BLE SRI JUSTICE E.DHARMA RAO

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WRIT PETITION NO.17010 OF 2005

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ORDER:

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This writ petition is filed seeking for a declaration that the action of the first respondent in not granting stay of the orders of the second respondent issued in proceedings bearing No.Roc/78/2005 dated 21.05.2005 as illegal and for a direction to stay the operation of the order of the second respondent dated 21.05.2005.

It is the case of the petitioner that under Section 6(a) of the Andhra Pradesh Rights in Land & Pattadar Pass Book Act, 1971, the petitioner was granted pattadar pass book with Patta No.1622 by the second respondent. As the matter stood thus, on 28.02.2005, the petitioner was issued with a show cause notice alleging that the petitioner was an encroacher. After submitting a detailed explanation, the second respondent passed orders dated 21.05.2005 without looking into the material placed by the petitioner. Aggrieved of the same, the petitioner filed an appeal before the first respondent-Revenue Divisional Officer along with an application seeking stay, but due to political pressure, the first respondent did not pass any orders on the said application. Taking advantage of the same, the second respondent is trying to evict the petitioner from the premises. It is also the case of the petitioner that as he was granted patta by the Government of Andhra Pradesh under Bhoodana Yagna Board, the provisions of the Andhra Pradesh Assigned Land (Prohibition of Alienation) Act, 1977 has no application to the case of the petitioner and the second respondent has no jurisdiction to cancel the patta. Pending consideration of the appeal, this writ petition is filed.

As an appeal is pending before the first respondent-Revenue Divisional Officer, Kovvur, West Godavari District, without going into the merits of the case, I think that it

would be just and proper to dispose of the writ petition directing the first respondent to entertain the appeal and pass appropriate orders either in the stay petition or in the main appeal within a period of 12 weeks from the date of receipt of a copy of this order. Till such time, the second respondent is directed not to interfere with the petitioner's peaceful possession and enjoyment of the schedule property.

The writ petition is accordingly disposed of. No costs.

E.DHARMA RAO J.,

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Dt.03.08.2005

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